

STATEMENT OF PROCEEDINGS
REGULAR MEETING OF THE AIR POLLUTION CONTROL BOARD
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT
WEDNESDAY, APRIL 12, 2000

Meeting was called to order at 9:08 a.m.

Present: Members Dianne Jacob, Chairwoman; Vice Chairwoman Ron Roberts; Greg Cox; Pam Slater; Ron Roberts and Bill Horn; also Thomas J. Pastuszka, Clerk.

Approval of Statement of Proceedings/Minutes for meeting of March 29, 2000.

ACTION:

ON MOTION of Member Horn, seconded by Member Roberts, the Members of the Air Pollution Control Board approved the minutes for the meeting of March 29, 2000.

AYES: Cox, Jacob, Slater, Roberts, Horn

Public Communication
(No Speakers)

Air Pollution Control District Agenda Items

1. NOTICED PUBLIC HEARING:
REPEAL OF NEW SOURCE PERFORMANCE STANDARD SUBPART VVV
(POLYMERIC COATING OF SUPPORTING SUBSTRATES FACILITIES)
2. NOTICED PUBLIC HEARING:
REPEAL OF EXISTING NEW SOURCE PERFORMANCE STANDARDS (NSPS)
SUBPART AAA AND ADOPTION BY REFERENCE OF SUBPART AAA - STANDARDS
OF PERFORMANCE FOR NEW RESIDENTIAL WOOD HEATERS

APCB1 **SUBJECT: NOTICED PUBLIC HEARING:**
REPEAL OF NEW SOURCE PERFORMANCE STANDARD SUBPART VVV
(POLYMERIC COATING OF SUPPORTING SUBSTRATES FACILITIES)
(Supv. Dist: All)

ISSUE/REFERENCE:

New Source Performance Standards (NSPS) are promulgated by the Environmental Protection Agency (EPA) and apply throughout the country. These Subparts are then adopted by the District and, once adopted, the District requests, and routinely receives, delegation from EPA to implement and enforce the requirements.

Subpart VVV, Polymeric Coating of Supporting Substrates Facilities, regulates volatile organic compound (VOC) emissions from facilities applying polymeric coatings to supporting substrates and having annual emissions exceeding 105 tons per year. Subpart VVV was first promulgated by EPA in 1989 and was adopted by the District on November 6, 1990. Subsequently, the District petitioned EPA for delegation of authority to implement and enforce this subpart. However, after years of inaction, EPA informed the District delegation will not proceed because it requires a line-by-line comparison of federal and locally adopted rules, and EPA does not have the resources to do this. EPA recommended the District adopt Subpart VVV by reference to facilitate the federal delegation process.

There are presently no local sources subject to this Subpart so there is no need to adopt it by reference at this time. The District is proposing to repeal the original Subpart VVV. Should any new source subject to this subpart be located in the region, the District will propose to adopt the appropriate federal Subpart VVV by reference, and request EPA implementation and enforcement delegation. Until delegation is granted, the new source would be subject to EPA implementation and enforcement, however, permitting delays are not likely since the new source would also be subject to the District's New Source Review rules which are more stringent than the federal NSPS Subpart.

A public workshop was held on February 23, 2000. There were no public comments at the workshop.

RECOMMENDATION:

AIR POLLUTION CONTROL OFFICER:

Adopt the resolution repealing Subpart VVV and make appropriate findings:

- (i) of necessity, authority, clarity, consistency, non-duplication, and reference as required by Section 40727 of the State Health and Safety Code;
- (ii) that repealing Subpart VVV will alleviate a problem and will not interfere with the attainment of ambient air quality standards (Section 40001 of the State Health and Safety Code);
- (iii) that an assessment of the socioeconomic impact of the proposed repeal is not required by Section 40728.5 of the State Health and Safety Code because repealing Subpart VVV will not significantly affect air quality or emission limitations; and
- (iv) that it is certain there is no possibility that the repeal of Subpart VVV may have a significant adverse effect on the environment, and this action is exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15061(b)(3)

FISCAL IMPACT:

Repealing Subpart VVV will have no fiscal impact on the District.

ACTION:

ON MOTION of Member Horn, seconded by Member Roberts, the Members of the Air Pollution Control Board closed the Hearing and took action as recommended on Consent, adopting Findings as

presented by County Counsel and adopting Resolution No. 00-131, entitled: RESOLUTION REPEALING NEW SOURCE PERFORMANCE STANDARDS (NSPS) SUBPART VVV OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT.

AYES: Cox, Jacob, Slater, Roberts, Horn

APCB 2 SUBJECT: NOTICED PUBLIC HEARING

REPEAL OF EXISTING NEW SOURCE PERFORMANCE STANDARDS (NSPS) SUBPART AAA AND ADOPTION BY REFERENCE OF SUBPART AAA - STANDARDS OF PERFORMANCE FOR NEW RESIDENTIAL WOOD HEATERS
(Supv. Dist: All)

ISSUE/REFERENCE:

New Source Performance Standards (NSPS) are promulgated as Subparts by the Environmental Protection Agency (EPA) and apply throughout the country. These Subparts are then adopted by the District. Once adopted, the District requests, and routinely receives, delegation from EPA to implement and enforce the requirements.

Subpart AAA, Standards of Performance for New Residential Wood Heaters, regulates particulate emissions from new residential wood heaters manufactured on or after July 1, 1988, or sold at a retail store on or after July 1, 1990. It also requires manufacturers to obtain a certificate of compliance for each model line from an EPA accredited laboratory and specifies reporting and recordkeeping requirements.

Subpart AAA was first promulgated by EPA in 1988 and adopted by the District on November 6, 1990. Subsequently, the District petitioned EPA for delegation of authority to implement and enforce this subpart. However, after years of inaction, EPA informed the District delegation will not proceed because it requires a line-by-line comparison of federal and locally adopted rules, and EPA does not have the resources to do this. EPA recommended the District adopt Subpart AAA and its subsequent amendments by reference to facilitate the federal delegation process.

Accordingly, the District is now proposing to repeal the original Subpart AAA and adopt the original federal Subpart with all subsequent amendments by reference to the corresponding volumes, pages, and dates of publication of these regulations in the Federal Register. This will include amending District Regulation X (Standards of Performance for New Stationary Sources) to incorporate a Federal Register reference to the original Subpart AAA (53 FR 5873, February 26, 1988) and its subsequent amendments (53 FR 12009, April 12, 1988; 53 FR 14889, April 26, 1988; 57 FR 5328, February 13, 1992; 60 FR 33925, June 29, 1995; 63 FR 64874, November 24, 1998; and 64 FR 7466, February 12, 1999). The District will then request EPA delegation to implement and enforce Subpart AAA locally.

A public workshop was held on October 28, 1999. Three people attended. There was no opposition

to the recommendation. The workshop report is attached.

RECOMMENDATION:

AIR POLLUTION CONTROL OFFICER:

Adopt the resolution amending Regulation X of the District Rules and Regulations to add federal Subpart AAA and its subsequent amendments by reference and make appropriate findings:

- (i) of necessity, authority, clarity, consistency, non-duplication and reference as required by Section 40727 of the State Health and Safety Code;
- (ii) that adopting federal Subpart AAA and its subsequent amendments will alleviate a problem and will not interfere with attainment of ambient air quality standards (Section 40001 of the State Health and Safety Code);
- (iii) that an assessment of the socioeconomic impact is not required by Section 40728.5 of the State Health and Safety Code because adopting federal Subpart AAA and its subsequent amendments will not significantly affect air quality or emission limitations; and
- (iv) that it is certain there is no possibility that adopting federal Subpart AAA and its subsequent amendments may have a significant adverse effect on the environment, and this action is exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15061(b)(3).

FISCAL IMPACT:

The recommended action will have no fiscal impact on the District.

ACTION:

ON MOTION of Member Horn, seconded by Member Roberts, the Members of the Air Pollution Control Board closed the Hearing and took action as recommended on Consent, adopting Findings as presented by County Counsel and adopting Resolution No. 00-132, entitled: RESOLUTION REPEALING EXISTING NEW SOURCE PERFORMANCE STANDARDS (NSPS) SUBPART AAA OF REGULATION X AND ADDING BY REFERENCE FEDERAL NSPS SUBPART AAA TO REGULATION X OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT.

AYES: Cox, Jacob, Slater, Roberts, Horn

There being no further business, the Board adjourned at 11:32 a.m.

THOMAS J. PASTUSZKA
Clerk of the Air Pollution Control Board
San Diego County Air Pollution
Control District

Notes by: Egan

NOTE: This Statement of Proceedings sets forth all actions taken by the San Diego County Air Pollution Control Board on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.